

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 226 OF 2024**

Snehlata Shrikant More	..Applicant
Versus	
Shrikant Ramakant More	...Respondent

Mr. Vikas Kolekar, with Monika Dushmika, Kunal Shirgire & Rohit Kamble, for the Applicant.

Ms. Prabha Badadare, with Onkar Nagvekar, for the Respondent.

CORAM: N. J. JAMADAR, J.

DATED : 21st FEBRUARY 2025

P.C.:

1. Heard learned Counsel for the parties.
2. The applicant-wife has preferred this application seeking transfer of Marriage Petition No. A/1297 of 2023 from the Family Court, Bandra at Mumbai to the Court of Civil Judge, Senior Division, Vita, District Sangli.
3. The marriage of the applicant was solemnized with the respondent on 30th March 2019. They were blessed with a son. There was marital discord. Attempts were made to resolve the dispute. However the marital discord could not be resolved and eventually the applicant has been constrained to reside at her parental home at Vita.

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4. The respondent has instituted a Petition for dissolution of marriage under Section 13(1) (i-a) of the Hindu Marriage Act 1955 before the Family Court, Bandra at Mumbai. The applicant has to look after her one year old child. The applicant has no financial and logistical support to effectively defend the proceedings at Mumbai. Hence this application for transfer.

5. The respondent has filed an Affidavit in Reply and resisted the prayer in the application. The respondent has adverted to the circumstances which led to the filing of the marriage petition.

6. Evidently, the applicant is residing at Vita. The distance between Vita and Mumbai is about 400 kms. The applicant has to take care of her one year old son. It would be extremely inconvenient and difficult for the applicant to travel to Mumbai to attend the proceedings at Family Court, Bandra.

7. It is trite that in the matter of transfer of the matrimonial proceedings, ordinarily, it is the convenience of the wife which commands preference.

8. It would be expedient in the interest of justice to transfer the marriage petition from Family Court, Bandra to the Court of CJSD, Vita at Sangli.

9. Hence, the following order.

: O R D E R :

- (i) The application stands allowed in terms of prayer clause (b).
- (ii) The Marriage Petition No. A/1297 of 2023 pending on the file of Family Court, Bandra at Mumbai, stands transferred to the Court of CJSD, Vita, for hearing and disposal in accordance with law.
- (iii) The learned Judge, Family Court, Bandra, Mumbai shall transfer the record and proceedings in Marriage Petition No. A/1297 of 2023 with such dispatch that it reaches the Court of CJSD, Vita, within a period of four weeks from the date of communication of this order.
- (iv) The respondent is at liberty to appear before Court of CJSD, Vita through VC. However, whenever the learned Civil Judge considers it appropriate and directs the respondent to appear before the Court in person, the respondent shall appear before the Court in person.

Application disposed.

[N. J. JAMADAR, J.]